

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1250 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

- 1 Page 24, between lines 2 and 3, begin a new paragraph and insert:
- 2 "SECTION 33. IC 35-46-1-10.1 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2006]: Sec. 10.1. (a) A licensed premises (as
- 5 defined in IC 7.1-1-3-20) that furnishes an alcoholic beverage to a
- 6 person less than twenty-one (21) years of age commits a Class C
- 7 infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for an
- 8 infraction committed under this section must be imposed as
- 9 follows:
- 10 (1) If the licensed premises at that specific business location
- 11 has not been issued a citation or summons for a violation of
- 12 this section in the previous ninety (90) days, a civil penalty of
- 13 fifty dollars (\$50).
- 14 (2) If the licensed premises at that specific business location
- 15 has had one (1) citation or summons issued for a violation of
- 16 this section in the previous ninety (90) days, a civil penalty of
- 17 one hundred dollars (\$100).
- 18 (3) If the licensed premises at that specific business location
- 19 has had two (2) citations or summonses issued for a violation
- 20 of this section in the previous ninety (90) days, a civil penalty
- 21 of two hundred fifty dollars (\$250).
- 22 (4) If the licensed premises at that specific business location
- 23 has had three (3) or more citations or summonses issued for
- 24 a violation of this section in the previous ninety (90) days, a

1           civil penalty of five hundred dollars (\$500).

2           A licensed premises may not be issued a citation or summons for a  
3           violation of this section more than once every twenty-four (24)  
4           hours.

5           (b) The defenses set forth in IC 7.1-5-7-5.1 are available to a  
6           seller in an action under this section.

7           (c) Unless a person buys or receives an alcoholic beverage under  
8           the direction of a law enforcement officer as part of an enforcement  
9           action, a licensed premises that sells alcoholic beverages is not  
10          liable for a violation of this section unless the person less than  
11          twenty-one (21) years of age who bought or received the alcoholic  
12          beverage is charged for violating IC 7.1-5-7-7.

13          (d) A person who violates subsection (a) at least six (6) times in  
14          any six (6) month period commits habitual illegal sale of an  
15          alcoholic beverage, a Class B infraction."

16          Renumber all SECTIONS consecutively.

        (Reference is to HB 1250 as reprinted January 31, 2006.)

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Representative Messer

Adopted

Rejected

## COMMITTEE REPORT

MR. SPEAKER:

Your Committee of One, to which was referred House Bill 1250, begs leave to report that said bill has been amended as directed.

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Representative Messer